

MINUTES – JULY 16, 2012

The Caswell County Board of Commissioners met in regular session at the Historic Courthouse in Yanceyville, North Carolina at 6:30 p.m. on Monday, July 16, 2012. Members present: Nathaniel Hall, Chairman, William E. Carter, Gordon G. Satterfield, Kenneth D. Travis and N. Kent Williamson. Absent: Cathy W. Lucas, Vice-Chair and Jeremiah Jefferies. Also present: Kevin B. Howard, County Manager, Brian Ferrell, County Attorney, and Angela Evans representing The Caswell Messenger. Paula P. Seamster, Clerk to the Board, recorded the minutes.

MOMENT OF SILENT PRAYER

Chairman Hall opened the meeting with a Moment of Silent Prayer.

PLEDGE OF ALLEGIANCE

Chairman Hall asked the Board of Commissioners and the citizens present to stand for the Pledge of Allegiance.

APPROVAL OF AGENDA

Chairman Hall stated “We need to make an adjustment to the Agenda. We need to add a Closed Session for Attorney/Client Privileges and we need to remove Item 12. Caswell County Beekeepers Association Agreement.”

Commissioner Travis moved, seconded by Commissioner Satterfield to approve the agenda as amended. The motion carried unanimously.

APPROVAL OF CONSENT AGENDA

Commissioner Travis moved, seconded by Commissioner Williamson to approve the Consent Agenda. The motion carried unanimously.

The following items were included on the Consent Agenda:

- A. Approval of Minutes of May 31, 2012 Special Meeting
- B. Approval of Minutes of June 5, 2012 Special Meeting
- C. Approval of Minutes of June 7, 2012 Special Meeting
- D. Approval of Minutes of June 14, 2012 Special Meeting
- E. Approval of Minutes of June 20, 2012 Special Meeting
- F. Approval of Minutes of June 26, 2012 Special Meeting
- G. Approval of Minutes of July 2, 2012 Regular Meeting

PUBLIC HEARING – MANUFACTURED HOME SITING ORDINANCE VARIANCE –
STANFIELD MOBILE HOME PARK

Commissioner Travis moved, seconded by Commissioner Williamson that the Board enter into a public hearing to receive comments on the Manufactured Home Siting Ordinance Variance – Stanfield Mobile Home Park. The motion carried unanimously.

Mr. Ferrell stated “This is an appeal from a decision of the Planning Director regarding the siting of a manufactured home on a lot in Caswell County. The variance procedures are set out in the Caswell County Manufactured Home Siting Ordinance. This is a quasi judicial proceeding. This Board is sitting as a fact finder. The witnesses this evening will need to be sworn in. The applicant will bear the burden of proving to you that he is entitled to the variance according to the terms of the ordinance which was laid out by Mr. Collie in a memorandum in your packet and of course it is also contained in the ordinance. I will be happy to answer any other questions that you may have regarding the process this evening.”

Chairman Hall asked “Any questions for counsel before moving forward?”

The Clerk to the Board swore in Mr. Brian Collie and Mr. Arthur Stanfield.

Mr. Brian Collie stated “Mr. Arthur Stanfield who owns and operates Stanfield Mobile Home Park off Culver Road in the county came to me with the variance application to put a 6th manufactured home on his lot. An aerial was included in your packet. It is Tax Map 106, Parcel 16, at the corner of Culver Road and EC Jones Road. That lot has 5 acres. Per the requirements in the ordinance, as you have read in your memo, it requires one acre for each mobile home in this park. Currently there are 5 mobile homes on the lot which is 5 acres and he wants to add a 6th mobile home. Under the requirements of the ordinance I cannot allow him to do so. He already purchased the mobile home prior to finding this out. He drilled a new well when he placed the fourth mobile home on the lot in hopes that it would support the sixth mobile home. He also argues that the fifth mobile home is owned by his brother, Floyd Stanfield who owns the lot that is adjacent to the lot owned by Mr. Arthur Stanfield. Regardless of that the majority of the home is over the property line. The majority of that sits on Arthur Stanfield’s lot so it is counted as residing on this lot. The Planning Board met on May 22, 2012 to review this case and they passed a unanimous motion not to recommend Mr. Stanfield’s variance. The Planning Board felt that the circumstances did not show the hardships that the ordinance requires in granting a variance.”

Mr. Arthur Stanfield stated “First I would like to say my name is Arthur Stanfield. I did not know that this procedure was in process. When I purchased these mobile homes it was in the early 80’s. The last one I purchased was in 2000. No one ever questioned me and I did not know that was the case. When I purchased the last one to put in there, which there is an acre there without the mobile home. All of it was not set on an acre because I thought it was a trailer park. Where this one is going there is an acre there. I did not know this until he told me that this would not work. I am coming to ask what can be done about that. In 2000 when I put the other one in I had the man to do extra drilling so I would be able to add more homes to it. I put over \$6,000 in a well that only one trailer is hooked to.”

Mr. Ferrell stated “I was just going to go through the required findings for the Board if there is nothing further from the applicant. Section 7.3 of Caswell County’s Manufactured Home Siting Ordinance establishes the finding that this Board needs to consider when deciding whether to approve or deny a variance. Section 7.3 (b) specifies that before making any finding in a specific case the Board of Commissioners must determine that the variance will not ‘(1) impair the adequate light and air to adjacent property; (2) materially increase the public danger of fire; (3) significantly diminish or impair established property values within the surrounding area; or (4) in any other respect impair the public health, safety, morals, and general welfare.’ I would ask that you site facts that you may find relevant deciding on those findings. If the commissioners find that one of the three issues will occur, you will not get to the second set of findings. The first step is to go through those three and if you find that those will not be in play then we will go down to section (d) of Section 7.3 for the remaining findings. The first step is to go over, to discuss and to vote on Items 1 through 4 of Section 7.3 (b).”

Chairman Hall stated “Let’s start with the first one.” Mr. Ferrell responded “Certainly, 7.3 (b) (1) the proposed variance will not impair the adequate supply of light and air to adjacent property. Again the applicant has the burden of proof. There was not any particular information provided for these four findings.” Chairman Hall asked “Mr. Collie did you provide Mr. Stanfield with this information?” Mr. Collie responded “Yes sir.” Chairman Hall asked “Mr. Stanfield the things that we have to address is what our counsel has just read to us were you provided a copy of those things?” Mr. Stanfield responded “No sir.” Chairman Hall continued “Were you given a copy of the ordinance?” Mr. Collie responded “I went over this ordinance with Mr. Stanfield. I don’t recall if he got a copy or not but we talked about this in our office several times.” Chairman Hall asked “I think with this variance we have to address these items in the ordinance, correct?” Mr. Ferrell responded “That is correct.” Chairman Hall continued “We have to address the first four items. How many items are in the second group?” Mr. Ferrell responded “There are three following this Mr. Chair. This first set of four and then there are three additional that you must consider.” Chairman Hall asked “And in so doing we must answer in the affirmative to all of them?” Mr. Ferrell responded “That is right. If you find that one of the four is present the discussion stops because these are mandatory requirements. You have to find that they all will not and if you find that one of them will then the discussion stops and you can’t approve the variance.”

Commissioner Travis asked “Mr. Collies these 1, 2, 3, 4 and 5 these are the mobile homes that are on that lot right now?” Mr. Collie responded “Yes sir.” Commissioner Travis continued “This number 5 mobile home is across the line right now ain’t it?” Mr. Collie responded “Yes, it seems to be if this aerial property line is accurate a portion of that mobile home is over the property line.” Commissioner Travis asked “How could he set that mobile home up like that?” Mr. Collie responded “That is a good question. I tried to pull that building permit for that home. It has been on that property for several years. I could not locate a building permit because it has been so long ago. I asked that same question.”

Commissioner Williamson asked “Was the property line drawn after the mobile home was set there or before?” Mr. Collie responded “I don’t believe so. I believe that per my research that that mobile home was put there while the property line was there.”

Chairman Hall asked “When the Planning Board reviewed this did you all address these four items?” Mr. Collie responded “They did not go over them and make a vote one by one but they did speak of them and they were provided a copy of them at that meeting. They made one vote to not recommend the variance.” Chairman Hall continued “Was Mr. Stanfield informed of why?” Mr. Collie responded “Yes Mr. Stanfield was at that meeting.”

Commissioner Satterfield asked “Where was Mr. Stanfield proposing to put the sixth mobile home?” Mr. Collie responded “In between number 3 and number 4.” Commissioner Satterfield continued “Don’t we require one acre of land for any type of home?” Mr. Collie responded “Yes sir.” Commissioner Satterfield asked “Stick built home or a manufactured home per acre?” Mr. Collie responded “Yes, if there is individual well and septic designated for each home then yes you have to have one acre per each. Like Mr. Stanfield said he argues that there is room there to place the home in which he is very well right in that aspect but he does not simply have the right acreage to put the sixth mobile home.” Commissioner Satterfield continued “What about space to put in another well and septic tank?” Mr. Collie responded “I believe that Environmental Health did look at this case. They did say there was enough space to do another septic system for that sixth home and he was going to use a well that was already existent on the property that is connected to another manufactured home. This will also supply water to the proposed sixth trailer. Yes there would be room for that. The only thing that is holding him back is the one acre per home requirement.”

Commissioner Carter asked “I think you may have answered my question. Is that the Planning Board’s reason for the recommendation because it did not meet the per acre requirement?” Mr. Collie responded “Yes that and in order to grant a variance you have to propose a numerous number of certain hardships. They stated that they did not feel there was a hardship in this case. That was their reason for not recommending the variance.”

Chairman Hall asked “Counsel those hardships are in the next section?” Mr. Ferrell responded “That is exactly right. If you get through this first set then you get to the specifics of the case relating to hardship and public welfare and those final three items. I did not read those out.”

Commissioner Travis asked “What I want to know is why is this a hardship? Is this a mobile home park or is he going to move someone from his family in here or what? The only time we have granted a variance was when someone had to move their family in to tend to them. That is what I call a hardship.” Chairman Hall stated “I think we need to ask Mr. Stanfield that question. But what I am trying to determine is I asked Mr. Collie if Mr. Stanfield was informed of this and he said he thought so. I asked if he was given a copy of the ordinance and Mr. Stanfield said he was not. I am wondering now if we should proceed or table this to give Mr. Stanfield the opportunity to review this.” Mr. Ferrell responded “The applicant could request a continuance of this hearing. That would be procedurally within the rules if he would like more time to address these things and if the Board would like to grant that continuance.”

Commissioner Williamson asked “Do not just have to answer yes or no to 1 through 4 to determine if we can move on?” Mr. Ferrell responded “That is correct.” Commissioner Williamson continued “Do we have to have it in writing?” Mr. Ferrell responded “The Board has to make findings according to the ordinance. You must determine that the proposed

ordinance will not do any of those four things that I listed. You have to determine that it will not do those things in your judgment in order to move on to the next set of questions.”

Commissioner Williamson stated “We need to research those things before we can move on.”

Mr. Ferrell responded “Well the research would be just the evidence that you are presented. The Board in a quasi judicial content could not do any research. The applicant has the opportunity to present his case to you and you have to decide based on the evidence before you.”

Commissioner Williamson continued “So by this can we ask Mr. Collie these questions?” Mr. Ferrell responded “I think you can solicit testimony from Mr. Collie and certainly from the applicant as well if you have specific questions.”

Commissioner Williamson asked “Just looking at (b)(1) impair the adequate supply of light and air to adjacent property, if he put this mobile home there is it going to cause a problem with #1?” Mr. Collie responded “No sir, I don’t believe so.” Commissioner Williamson continued “(b)(2) materially increase the public danger of fire?” Mr. Collie responded “I do not see that happening either.” Commissioner Williamson stated “(b)(3) significantly diminish or impair established property values within the surrounding area?” Mr. Collie responded “Being that there is currently already numerous mobile homes in that area I don’t think it would significantly diminish or impair establish property values.” Commissioner Williamson continued “(b)(4) in any other respect impair the public health, safety, morals, and general welfare.” Mr. Collie responded “I think as long as it would be installed properly and a permit is gotten for Environmental Health and Building Inspections it would not impair the public health, safety, morals or general welfare.”

Chairman Hall stated “Thank you Mr. Williamson. That gets us through the first section and takes us to the second set. Now do we need to take a vote on those before we move to the next section?” Mr. Ferrell responded “Yes you have to get past these four. You can do them collectively or you can do them individually or however you would like to proceed.” Chairman Hall continued “It appears to me that all of these pass.”

Commissioner Satterfield moved, seconded by Commissioner Carter that the determination test be approved. The motion carried unanimously.

Mr. Ferrell stated “The conditions simply state that if the Commissioners decide to approve the variance you can attach reasonable conditions. The next set of standards is actually found in Section 7.3 (d) Special Circumstances. I will just read it. Before a variance is granted the following findings must be present: (1) that there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the ordinance; (2) the variance is in harmony with the general purpose and intent of the ordinance and preserves its spirit; and (3) that in granting of the variance, the public safety and welfare have been assured and substantial justice has been done. Those three need to be taken in turn before granting the variance.”

Chairman Hall stated “Let’s start with (1) that there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the ordinance. Do we believe that to be true?” Commissioner Travis responded “Mr. Stanfield did not say when he was up there talking what the hardship was so I really don’t know on that.” Chairman Hall asked “Mr. Stanfield did you hear the question?” Mr. Stanfield responded “I did not.” Commissioner Travis asked “What

is the hardship or the reason for putting another home there?” Mr. Stanfield responded “I did not know that. I did not know that I could only have one mobile home on one acre. It is an acre of land there for the mobile home if you divide it up.” Commissioner Travis continued “There is only five acres there and you have five mobile homes on it.” Mr. Stanfield responded “I did not know that.” Commissioner Travis stated “I understand that you did not know that when you bought the mobile home. Who owns this other land? Is that your kin people or who?” Mr. Stanfield asked “What other land?” Commissioner Travis responded “That land that adjoins yours where the other mobile homes are.” Mr. Stanfield stated “My brother.” Commissioner Travis asked “Can you put it over there on his land?” Mr. Stanfield responded “No.” Commissioner Travis continued “You already have one going across his line.” Mr. Stanfield responded “I don’t think that is accurate.” Mr. Collie stated “Mr. Floyd Stanfield, Mr. Arthur Stanfield’s brother cannot put one on his property for the same reason. There is not enough acreage.”

Chairman Hall stated “From what I understand the hardship is he was not aware of the regulations.” Commissioner Travis responded “I understand that but this is not a life or death situation.”

Commissioner Travis moved, seconded by Commissioner Satterfield to deny that there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the ordinance.

Mr. Ferrell asked “For the record Mr. Travis if you could just site a reason that you don’t believe that there is a hardship. I know you said it a little bit during the discussion.”

Commissioner Travis stated “From what he is telling me I don’t see a hardship case here.” Mr. Ferrell asked “Why not?” Commissioner Travis responded “He wants to put another mobile home there to make money that is what he wants to do. That is not a hardship case.” Mr. Ferrell stated “That is why I wanted the record to reflect your reasoning on it.”

Commissioner Carter asked “Mr. Stanfield on this mobile home you are wanting to put there is this for family members or is this to rent to the public?” Mr. Stanfield responded “Rent it out.”

Upon a vote of the motion, the motion carried unanimously.

Chairman Hall stated “That means that we stop at this point with the variance request Mr. Stanfield because the evidence you presented there was no evidence of a hardship on your part for carrying out the ordinance.” Mr. Stanfield responded “I have already purchased the mobile home and I have paid taxes and I can’t do anything with it.” Commissioner Travis stated “You will have to sell it.” Chairman Hall stated “We have to follow the rules on the hardship. That is why I asked you earlier before we started this process if that was all of the comments you had. We have to follow the guidelines of the ordinance.” Mr. Stanfield responded “Okay.”

Commissioner Travis moved, seconded by Commissioner Williamson to go out of the public hearing. The motion carried unanimously.

PUBLIC COMMENTS

Chairman Hall opened the floor for public comments.

Mr. John Claggett came before the Board and made the following comments:

“Good evening my name is John Claggett and I reside at 108 Jaye Lane, Providence, NC. I thank the Board for the opportunity to speak this evening.

I would like to address item #11 in tonight’s agenda. As part of item #11 you have a copy of an email dated July 2, 2012. What isn’t contained in the agenda is the entire string of emails associated with this agenda item. I can provide the Board with a copy if desired, although the Board should already have this string of communication in their county email accounts.

Allow me to provide the Board with a little history regarding this behavior.

On August 22, 2011, I on behalf of some of my neighbors and myself, inquired about possible fraud, waste, and abuse concerning members of the EMS Department using county vehicles while conducting personal business at a banking facility as well as a convenience store. I was told that EMS was attempting to kick off a public relations campaign. I was also told by the EMS Director to communicate to him through the County Manager. I find that very circumventive but have complied. I can also provide the Board with a copy of this communication string if desired.

As you all know on January 17th of this year Caswell County adopted a Fraud, Waste, and Abuse policy. This policy states that all County employees, especially supervisors and department heads/elected officials, must be aware of the circumstances, or “red flags”, which may potentially lead to fraud. The policy applies to any fraud, or suspected fraud, involving employees, administrators, and elected officials.

The policy is to prohibit dishonest acts and/or fraudulent activity and to advise employees, administrators, and elected officials, of their responsibility to report suspected fraudulent activity to the appropriate county office.

The policy also stated that its intent to establish and MAINTAIN a fair, ethical, and honest working environment for ALL county employee, customers, suppliers, vendors and anyone else with whom the county has a business relationship. The policy also applies to employees of local boards over which the BOC has authority to require general policies to be followed. Ladies and Gentlemen that would be me. I’ve complied with this policy. Nowhere in this policy does it state that certain departments can be selectively exempt based on, the time of day, or location of suspected infraction, as the standards described in this policy don’t allow for that. How can a non-existent vehicle use policy address operator use behavior and the fraud, waste and abuse policy not?

I’ve previously asked the county about the signing of the acknowledgement form associated with the waste, fraud, and abuse policy as it applies to me being a Planning Board member appointed

by the BOC. I've not been afforded that opportunity since its adoption six months ago. It would be interesting to know how many others haven't been afforded the opportunity of the knowledge of their responsibilities to their fellow employees and supervisors. By reading the most recent string of electronic communication it's very apparent that once again the county is choosing to look for loopholes rather than enforcement. Thank you."

With no other public comments Chairman Hall declared Public Comments to be closed.

NC CARDINAL LIBRARY AUTOMATION GRANT REQUEST

Ms. Rhonda Griffin, Library Director came before the Board and made the following statement:

"Good evening. I have submitted three contracts for your approval so the Library can migrate to NC Cardinal through the State Library system. All of these contracts, the State Library is paying for our migration through grants that we have been awarded. It is a reimbursement grant but there are no matching requirements. Since we were awarded the grants so that we can migrate to the new computer system we have three contracts that we have to get approved and signed and send back. The first one is the grant agreement for the LSTA NC Cardinal Grant. This outlines how much money we will be receiving the grant for a total of \$31,120. This covers all expenses plus \$15,000 for unexpected expenses. Are there any questions on this one?"

"The second grant, the NC Cardinal Membership Agreement, NC Cardinal is actually hosted by the State Library and it is funded by the State Library. There are other libraries in North Carolina that will be sharing the software and we have to agree to abide by its set standards and set rules that the State Library has created. Any questions on that one?"

"The third agreement, the Equinox Agreement, Equinox is actually the company that will be migrating out software, moving it to the new system and hosting it. They will also be providing the hardware. They are the company that the State Library is paying to house our data. Any questions on this one?"

Chairman Hall asked "General Counsel have you reviewed these?" Mr. Ferrell responded "I certainly have. Ms. Griffin provided these agreements to me some time ago. She actually took the initiative to ask some pointed questions to the State in her review of these agreements and she got satisfactory answers for the State directly addressing some of the business points of the agreements and also some of the legal points. The agreements are legally sufficient as is and I believe cover the grant and migration as well."

Commissioner Satterfield asked "The grants Ms. Griffin does it pay that one time subscription fee of \$1500?" Ms. Griffin responded "Yes, that was one of the questions I had actually. It covers all of that and it also gives us \$15,000 for unexpected expenses."

Commissioner Travis moved, seconded by Commissioner Satterfield to approve all three contracts. The motion carried unanimously.

TERMINATION NOTICE FOR FAMILY SERVICES SITE
FAMILY SERVICES OFFICE LEASE REQUEST AT GUILFORD MILLS

Ms. Shanna Poole, Family Services Director, came before the Board and made the following statement:

“I don’t know exactly where to start. We are currently; I think this was emailed to you all, \$795 a month rent for the Family Services Domestic Violence Shelter. Also you should have a copy of the lease. In the lease agreement we have with the Hooper’s we have to do all repairs, septic repairs, gutter repairs, roof, everything. We have found another facility that is actually larger where we can have more beds and it is about \$150 cheaper a month. Also for the North Carolina Council for Women we have to have an off-site office space outside of the actual DV shelter for clients to be able to access and walk in and ask about services that we do not have at this time. With the hope of you all approving us to stop the lease with the Hooper’s with a 60 day notice. The new facility we have picked out to move into the difference in the rent that we will pay a month will allow us to get a space at the old Hanover Mills mental health building to have an office space.”

Chairman Hall asked “So you have two requests here. The first request is Item #8 you are requesting for approval to terminate the present lease?” Ms. Poole responded “Exactly.”

Commissioner Satterfield stated “Mr. Chairman before we do a termination request I would like to see some type of contract on wherever you are talking about moving to. We need to have the cost and what they are going to do and everything spelled out in that contract.” Ms. Poole responded “I understand but I do not have that at this time. He was supposed to get with me on a lease agreement but I don’t have that at this time.” Commissioner Satterfield stated “We got it in writing here what is being covered right now but we don’t know what is in this other contract. I would hate to see us terminate this one without being able to look at that other legal stuff. I would suggest Mr. Chairman that this be carried over to the next meeting.” Chairman Hall responded “Okay.”

Commissioner Satterfield moved, seconded by Commissioner Williamson to table the termination notice for Family Services until the next meeting when there is a contract for the new location. The motion carried unanimously.

Ms. Poole asked “That is in regard to the cancellation of the lease with the Hooper’s and not in regards to the office space at Guilford Mills correct?” Chairman Hall responded “Correct.” Commissioner Satterfield stated “I don’t think we need to do either one until we find out what we have to do.” Mr. Ferrell responded “You will need to amend the previous motion to include both items.”

Commissioner Travis moved, seconded by Commissioner Williamson to amend the previous motion to bring the office space lease for Guilford Mills back as well to the next meeting.

Ms. Poole stated “If I may, even if we don’t get to put in our notice with the Hooper’s to leave according to the North Carolina Council for Women which is one of our biggest grantors we

have to have an outside office. Regardless as to whether or not we leave the present facility we have to have an outside office.” Commissioner Satterfield asked “Do you have that requirement in writing from whoever the grantor is and all?” Ms. Poole responded “Yes sir.” Commissioner Satterfield continued “If you will include that information with this other so we will have all of this information that would be good.” Ms. Poole responded “I do have a copy of the email that was sent on the requirements from the North Carolina Council for Women with Bernetta Thigpen stating the things that they noted during the inspections and these are the things that we need to have to continue to get their grant money. That includes the North Carolina Council for Women as well as the Marriage License grant. The totals for those grants that we get yearly with the Marriage License grant we get \$21,501 and with the North Carolina Council for Women we get \$46,154 a year. For them to continue to give us these monies we have to have an outside office. Honestly, regardless if we move the DV shelter or not we have to have an outside office.”

Commissioner Williamson asked “Is there a date or deadline?” Ms. Poole responded “We should have already had it from the beginning.” Commissioner Satterfield asked “How did we get by in the pass without having it?” Ms. Poole responded “With luck and prayer. There were a lot things that we were written up for. We don’t have enough money to repair everything. Where we are now if there is a septic tank problem we have to finance that. We have to take money from our grant to put in another septic tank. If the gutters fall off we have to replace the gutters. If the air conditioner unit blows up we have to replace the air conditioner unit.” Commissioner Satterfield continued “Well according to the contract it says if the A/C unit blows up they have to replace it. If we can repair it then we have to repair it. If it is not repairable they have to put in a new one. That is what the contract says.” Ms. Poole stated “It does but repairs can cost in some cases more than what a brand new one would cost. With the lease we have to use the people with whom they put forth, certain heat and air conditioner people, certain plumbers, certain electricians, we have to use who they use. We can’t search for the best deal we have to use who they use. We don’t have any leeway with that. This was a lease agreement that was signed when we were with the town and it carried over to the county with no changes made.”

Chairman Hall asked “The rental on the office space do you have monies in place for that?” Ms. Poole responded “At this time yes. We do have funds so we can make those payments. The two office spaces we looked at and with the square footage it is going to run around \$186 a month which actually totals about \$2,232 a year. Not getting ahead of myself if we do get a chance to move to another facility I have talked with the new potential landlord about what the new facility would cost us and there is going to get a difference of \$1700 a year. That is \$1700 that will go towards that \$2,232 to pay for the outside office space. That will leave us with about \$484 as a difference so with the exception of about \$500 we get an office space and a new house for the price we are paying for rent now. The maintenance that we have incurred so far in the last fiscal year, I think you all have copies of that as well, from the Marriage License we had \$1236 put into maintenance and repair. Every bit of that was spent in repairs for that house. With the Domestic which is also under the North Carolina Counsel for Women we had \$710 that went into maintenance and repair and we only had \$47 left over. Under the Governor’s Crime Prevention we were given \$1000 for maintenance and repair and we had almost \$260 left over. The maintenance and repair is eating up a lot of our money when we are having to pay for

everything. If we get another landlord who is willing to take the responsibility of the pros and cons of his house and that is money that we can move to other line items.”

Chairman Hall stated “We have an amended motion on the floor.”

Commissioner Williamson stated “We understand the savings that you would have but what Mr. Satterfield was saying and what I seconded was we did not want you to terminate this and you be left out in the cold.” Ms. Poole responded “I understand.” Commissioner Williamson continued “That was our reason. If the monies are there for the rental of the office then I will take my second back on the amended motion.”

Mr. Ferrell stated “You had a clean on tabling the first item. You can stick with that one. I would recommend that you independently address the issue one way or the other of the additional office space if that is what the Board wants to do.”

Commissioner Travis asked “This office space at the Guilford Mills building, do we have plenty of space up there?” Mr. Howard responded “Yes, currently we have 5 offices leased out of the 20 offices that are in there. If you do this and the maintenance request that will only be 9 of the 20 offices. There are still plenty of spaces up there for folks if they want to move in.” Commissioner Travis continued “So both of them together will be \$186.75 a month.” Mr. Howard responded “Yes sir.” Commissioner Travis asked “Is that the same thing we have been getting from the others?” Mr. Howard responded “Yes sir.” Commissioner Travis continued “If they have the money to pay the lease I will make a motion to let them have the office space.”

Commissioner Travis moved, seconded by Commissioner Williamson to approve Family Services to lease office space at Guilford Mills.

Commissioner Satterfield stated “I have to speak my mind Mr. Chairman. I don’t quite understand the domestic violence program ever since its inception has had problems with raising money just to exist. I know we had some fundraisers this past year for this thing, is that correct? Now we are talking about spending \$2,000 a year just for additional office space when that \$2000 could be used it looks like to me in better ways to help out with some of these programs that these people need. If we have gotten by all these years. Have you talked with the people with the grants and asked them if there would be some type of variance because of the dire financial condition of the agency or is the agency in great financial shape where they don’t need the \$2,000 for programs?” Ms. Poole responded “Okay I think there were about four different questions in there but I will try to answer them the best that I can. One we are not in a financial bind. The fundraisers were held by the 501C and they do not have anything to do with us. I hope that answers that part of the question. Our grant money covers everything we need covered. We are not using fundraiser money to cover anything. We accept donations from people and we accept donations free heartedly but as far as fundraising I came on in December of 2011 and we have never had a fundraiser. Any fundraisers would have been done by the 501C.” Commissioner Satterfield asked “Where does the money from the 501C go?” Ms. Poole responded “I can’t speak on that because I am not a part of the 501C. That is a non-profit.” Mr. Howard stated “Let me interject if I may Mr. Chairman. Just a brief history when this program was run by the town they actually provided space in the Town Hall for the program. When we

took the program on we did not have space available because Guilford Mills was leased out completely. The Senior Center had not been completed yet so all of that space was taken up so we did not have an outside office for them so we did not discuss that at that time. Now the 501C does raise money and they provide funding for things that may come up outside the normal scope of operations..." Ms. Poole added "For example bed bugs, there was a bed bug outbreak I understand before I came on and there was no money in the budget for new mattresses and mattress covers and the 501C paid for the new mattresses and mattress covers and paid for the extermination for the bed bugs." Mr. Howard continued "Just recently in the last few months having some space at Guilford Mills and them having grant money to cover the rent we thought it was time to come before the Board to try to address his now. That is why this is coming up now and not two years ago when we took the program on."

Upon a vote of the motion, the motion carried by a vote of four to one with Commissioner Satterfield voting no.

APPOINTMENTS TO BOARDS AND COMMISSIONS Board of Health

Commissioner Carter moved, seconded by Commissioner Travis to appoint Andrew Foster to the Board of Health. The motion carried unanimously.

FRAUD, WASTE & ABUSE REPORT

Chairman Hall stated "We should have in our packets an observation I was going to say from a citizen but Mr. Claggett has already identified himself in public comments concerning this issue. I think our procedure as we established this policy was that all of these issues would come before the Board and that the Board would act or react accordingly. Before I go any further are there any thoughts or questions at this time?"

Commissioner Carter stated "We don't know that this actually took place unless we hear from both parties." Chairman Hall responded "That is part of our process." Commissioner Carter continued "I can't make a decision without hearing the other side." Chairman Hall responded "That was not my thinking. What I wanted to do was to give staff directions on how to proceed." Commissioner Carter stated "I will even go further and say this, the EMS and Sheriff's Department I see them at different places if they are at Hardee's getting a biscuit and they get a call they can go right from there I don't think that is fraud, waste or abuse. I am just expressing my opinion. I don't see where this is fraud or abuse because the Sheriff's Department and EMS are emergency response units and they are different from other sectors of the county government." Chairman Hall responded "I follow what you are saying." Commissioner Carter continued "Where ever they are at they can respond to an emergency call and as far as I know it has always been like that." Chairman Hall responded "This is a Board policy. Any citizens can submit a concern and not be identified. In this case the person identified himself. We need to deal with the issue. My question is how do we proceed with staff to get information so we can make an informed decision on this concern? I am going to suggest that number one if the manger as not gotten with EMS that they get together and read the concern and get this Board a

well thought out written response and that response should include the EMS Director being here in case we have additional questions. I want everybody to take all of these things seriously.”

Commissioner Williamson asked “Do we need to change our policy?” Chairman Hall responded “We will not know until we get more information.” Commissioner Williamson continued “Our second step I would say is to look at our policy to see if we need to amend it in order to meet our emergency department’s needs.” Chairman Hall responded “We can look at that when we get all the facts. I want us to be object but I would like to get a well thought out written response. Is there anything else that the other members would like to see included in this response?” Commissioner Williamson stated “Maybe we need to get our other emergency departments to do the same, the Sheriff’s Department, just to address some type of situation that has come up like this situation.” Chairman Hall responded “We may get to that but we need to address this specific concern.” Commissioner Travis stated “We should have an answer on this by the next meeting I am thinking.” Chairman Hall asked “Can we do that Mr. Manager?” Mr. Howard responded “Yes. We have already started the process. I will have information for you at the next meeting.”

DISCUSSION ON THE S.R. FARMER LAKE KAYAK/CANOE WAIVER AND RELEASE OF LIABILITY

Mr. Ferrell stated “In conjunction with the grant the county got for the kayak and canoe equipment for Farmer Lake it was requested that I review the existing liability waiver form for water sport activities at the lake and I did that and updated it. I added some additional language on the current waiver for a minor participating by getting their parent or guardian to sign. You can see the changes there. I will answer any specific questions.”

Commissioner Satterfield asked “Once that waiver is signed Mr. Manager how often will they be transferred I guess from the lake office here? I guess we will keep the waivers here somewhere?” Mr. Howard responded “We have not discussed that part of the process. We will probably want to do that once a month, have them shipped up here once a month. You will have to do a waiver each time you go out. You can’t sign one and it be good for a year. Every time you come to rent one you will sign a new waiver. We will need to keep copies of them in a secure location in case something was to happen.”

Commissioner Satterfield asked “Is that something that has be to be retained after that day Mr. Attorney?” Mr. Ferrell responded “If they get through it in fine form I would say not but there is a statute of limitations for claims and say there is something short of a drowning, if you will, an injury that may be late in nature, maybe they inhaled some water or an arm injury or something like that comes up after the fact we would certainly want to have that waiver from that day on file at least through the statute of limitations period.” Commissioner Satterfield asked “What is that?” Mr. Ferrell responded “Personal injuries are generally three years but it could be three years from discovery depending on the situation so it could extend out longer. I think we need to retain these according to the public records requirements because indeed they would be public records and that has a much longer retention requirement than the statute of limitations. I think it should be keep with the normal County’s retention policy.”

Commissioner Satterfield moved, seconded by Commissioner Travis to approve the S.R. Farmer Lake Kayak/Canoe Waiver and Release Liability as presented.

Chairman Hall asked "Mr. Manager the fee schedule that is attached is that a part of this waiver or are we approving that as well?" Mr. Howard responded "Yes sir it does new approval but you can deal with that in a second motion. It does need to be approved by the Board."

Upon a vote of the motion, the motion carried unanimously.

Chairman Hall asked "Now we have Farmer Lake fees and we have kayak and canoe rental fees. Are there any changes in those Farmer Lake fees?" Mr. Howard responded "No sir." Chairman Hall continued "We approved those for the budget." Mr. Howard responded "Correct." Chairman Hall asked "How did we arrive at these rates because they seem a little high?" Mr. Howard responded "We looked at surrounding lakes that rent out canoes and kayaks and those fees are actually lower than all the places around us. We are just starting this. The whole purpose behind the grant is to help folks find out about the lake so we are trying to encourage that." Chairman Hall asked "Would you consider anything less than 4 hours?" Mr. Howard responded "We could do that if you would like. Most of the places we looked at the minimum were 4 hours. There are some folks that will not want to go out for the full 4 hour period." Chairman Hall stated "We are trying to get younger folks involved and kids involved, a small child is not going to use it for 4 hours and the parents are not going to watch them for 4 hours. It is a start for the citizens of the county. I think we need to look at a shorter period of time." Mr. Howard responded "That is possible if the Board wishes to do that. \$2 or \$3 an hour?" Commissioner Travis stated "You could say \$5.00 for 2 hours. You could cut it in half if they only wanted it for 2 hours."

Commissioner Travis stated "Probably the way this thing is and the way everybody else has it you could have 2 or 3 kids and you rent this thing for 4 hours they could trade off. That is probably the reason why the other places have it set up like this. You can always start out like this and if people start fussing you can always change it. We can always change it."

Commissioner Carter asked "How many do we have?" Mr. Howard responded "5 single kayaks, 1 double kayak and 6 canoes."

Commissioner Travis moved, seconded by Commissioner Williamson to approve the fees as presented. The motion carried unanimously.

PROTESTANT EPISCOPAL CHURCH PARKING LEASE

Mr. Howard stated "If you will recall back in January or February you approve a lease with the church to provide additional parking at Guilford Mills for PCC to use when they are holding the trainings over there. This is a new lease for the additional parking area and they asked if we would pay for the security light that is out there. The fee is about \$10.00 per month."

Commissioner Travis asked "Is that all we have to pay?" Mr. Howard responded "Yes sir."

Mr. Howard stated "This is for additional parking for PCC to use to start a BLET facility in January." Commissioner Williamson asked "Did it state that in there? I did not see the fee." Mr. Howard responded "It just said the security lighting fee. It did not have the amount there." Mr. Satterfield stated "It says \$1.00." Mr. Howard stated "We will reimburse them for the cost of that light."

Commissioner Travis moved, seconded by Commissioner Satterfield to approve the Protestant Episcopal Church Parking Lease. The motion carried unanimously.

CONVENIENCE CENTER OPERATIONS CONTRACTS

Mr. Howard stated "This is basically what the Board has approved over the last couple of years. We will be going back to a 2 year lease. We change it back to one year last year because we were talking about doing some things differently. All the contracts will be two years except for the contract in Leasburg on 158. We are having some issue with that site. We are requesting a one year lease there with a 30 day notice instead of a 90 day notice to cancel that lease. The reason is the person that had the contract passed away recently so it is in transition right now."

Commissioner Travis asked "We are having trouble finding someone to run it now aren't we?" Mr. Howard responded "Yes sir." Commissioner Travis continued "People are throwing their trash out without the site being open." Mr. Howard responded "We are dealing with that now. That is why we want to handle this one differently. The store where it is located is closed but the individual that is interested lives nearby."

Chairman Hall asked "We are supposed to approve these contracts right?" Mr. Howard responded "Yes sir." Chairman Hall continued "Seem like some of them are already signed." Mr. Howard responded "Those are last year's contracts in there." Commissioner Travis asked "The only difference will be the time right?" Mr. Howard responded "The only difference is the term. It will be a two year contract versus a one year contract." Commissioner Travis continued "And the 90 day notice and the 30 day notice." Mr. Howard responded "All of them are a 90 day notice except for the one contract which is a 30 day notice for the Leasburg site."

Chairman Hall asked "The one for Sam's #2 will the owner sign it this year?" Mr. Howard responded "The person with the contract will sign the contract. The owner of the store will be the one to sign the contract."

Commissioner Travis moved, seconded by Commissioner Williamson to approve the Convenient Center Operations Contracts. The motion carried unanimously.

GUILFORD MILLS RENTAL REQUEST

Mr. Howard stated "I guess this is just to see how the Board feels about this. I had a request and I may have a solution that has come up since this. One of the lessees rents it by the month but only uses it one or two days a month and ask if they could rent an office for the day. Since this conversation I have actually spoke with the people in Alamance/Caswell office for PBH and they are probably going to rent an office by the month so people who provide services by the day will

be able to use that office. I will bring this back to you at a later meeting on this. I don't the idea of renting it out by the hour or by the day because it ties up an office." Commissioner Travis stated "You need to rent by the month and not by the day." Mr. Howard responded "I agree but I just wanted you to be aware of that."

MAINTENANCE DEPARTMENT – GUILFORD MILLS

Mr. Howard stated "One of the items that was discussed last year when we were talking about capital needs or building needs was using part of Guilford Mills to house the Maintenance Department. I have been talking with the Maintenance Director about that and with us having so much extra office space over there right now we are looking at using two of the offices over there. If you will look at the chart the ones I am proposing are 412 and 411 or offices 11 and 14 whichever way you look at it. That will give the director an office and everyone else an office to use as a break room or to do their other work that they need to do. By being in there that gives them direct access into the warehouse facility where they keep all of their equipment. This gives them space outside of the small mechanical room that they use now at the courthouse for adequate office space and a break room over there and they will have access to bathrooms and they will have all of their equipment housed there in the warehouse part and we will spend any money over there to do anything."

Commissioner Travis stated "That is a good idea."

Commissioner Carter moved, seconded by Commissioner Travis to approve the move of the Maintenance Department to Guilford Mills as presented by the County Manager. The motion carried unanimously.

POLICIES AND PROCEDURES FOR 2012 URGENT REPAIR PROGRAM

Administrator's Manual

Caswell County Assistance Policy

Caswell County Procurement Policy

Payment Disbursement Procedure

Mr. Howard stated "What you have in your packets is a copy of the Administrator's Manual that the NC Housing Finance Agency issued for 2012 and then the copies of the policies that we are required to have the Assistance Policy, the Procurement Policy and the Payment Disbursement Procedure. The state will send comments before the Board will approve them so we will know exactly what they want. You had requested to see these. Any other directions or comments from the Board?"

Chairman Hall asked "Any questions or comments for the County Manager on these policies and procedures? How much are we receiving on the Urgent Repair Program?" Mr. Howard responded "It is \$75,000 and that program is for urgent repairs. It is for up to \$6,000." Chairman Hall stated "We will be coordinating with the Town on this." Mr. Howard responded "This grant has not been advertised yet. The scattered sites we have sent in a list of applications when we applied for that grant. This one we don't do that. When we get the money we then advertise for applicants."

Commissioner Satterfield moved, seconded by Commissioner Williamson to adopt the Policies and Procedures for the 2012 Urgent Repair Program as presented. The motion carried unanimously.

DRUG TREATMENT COURT FUNDING REQUEST

Mr. Howard stated "I had a request and the email is in your packets from Judge Galloway. He received funding from Person County to continue funding the Drug Court. He requested if Caswell County would pay the cost for that person to come to the county a couple times a week and the cost for that is \$2,288."

Chairman Hall asked "Mr. County Manager did he propose where we would get this money from?" Mr. Howard responded "No sir he did not proposed that. We would have to find it in our budget if the Board wants to do that."

Commissioner Carter asked "Can we take that out of Court Facility Fees?" Mr. Howard responded "No sir the Court Facility Fees are just to maintain the building and provide services in that building. I don't think this would count under that."

Chairman Hall asked "It is my understanding that the person is already on board to come over here. Are they just talking about the travel or what?" Mr. Howard responded "Just the travel to come to be the administrator for Drug Court in Caswell." Chairman Hall continued "From Person County?" Mr. Howard responded "Correct. Person County is already funding the position. Just a little history, this was grant funded and those funds dried up during the current fiscal year."

Commissioner Carter asked "Can we find this money?" Mr. Howard responded "I think we can find \$2300 in our budget if the Board would like to do this."

Commissioner Carter moved to approve the request from Judge Galloway.

Commissioner Satterfield stated "I don't mind Mr. Chairman but I would like to know where the money is coming from." Mr. Howard responded "I can bring that back to you at the next meeting. I really wanted to find out if the Board wanted to do this." Commissioner Satterfield continued "I am not going to vote on this until I know where the money is coming from."

Chairman Hall stated "The motion dies for a lack of a second."

Commissioner Satterfield moved, seconded by Commissioner Williamson that this issue be tabled until the next meeting. The motion carried unanimously.

COUNTY MANAGER'S REPORT

Mr. Howard stated "I wanted to give you a brief update and I will give you a more detailed report at the next meeting on the projects that were put into the capital fund. All the small projects except for one have all been completed. The only one that has not been done is to repair

the stairs at Section 8 Housing and that will be done within the next 2 or 3 weeks. On the larger projects the only ones still outstanding and I will have estimates on two of those three at the next meeting is the repairs to this building and the roof at Guilford Mills. I was kind of holding off on these two until I could find out what the HVAC was going to cost and we will have to do a RFP for that. I will give you a much more detailed report at the next meeting on those so we can move forward on these other projects.”

ANNOUNCEMENTS AND UPCOMING EVENTS

- C. Farmer Lake Board Cook Out – July 17, 2012 @ 6:00 p.m.
- D. NCACC Annual Conference at Raleigh Convention Center – August 16 – 19, 2012

Chairman Hall stated “I will announce that about an hour before the meeting I contacted Mr. Jefferies family. Mr. Jefferies is sick. He was hospitalized yesterday but he was on his way home when I spoke with his family.”

CLOSED SESSION

Commissioner Carter moved, seconded by Commissioner Travis that the Board enter into Closed Session to preserve the Attorney/Client privilege for Triumph, LLC versus Alamance-Caswell LME, Alamance County and Caswell County (NCGS 143-318.11(a)(3)). The motion carried unanimously.

REGULAR SESSION

Commissioner Travis moved, seconded by Commissioner Carter to resume regular session. The motion carried unanimously.

ADJOURNMENT

At 8:15 p.m. Commissioner Travis moved, seconded by Commissioner Satterfield to adjourn. The motion carried unanimously.

Paula P. Seamster
Clerk to the Board

Nathaniel Hall
Chairman
